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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,058	02/01/2002	Timothy Singleton	22823.00062	3942

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EXAMINER

BEAULIEU, YONEL

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,058

Applicant(s)

SINGLETON, TIMOTHY

Examiner

Yonel Beaulieu

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-20,22-50 and 52-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-20,22-34,36-38,40-50,52-62 is/are rejected.
- 7) ☒ Claim(s) 35 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Amendments

Applicant's amendments filed 8 September 2003 have been acknowledged and now made of record.

Miscellaneous

Upon further reviewing the last Office Action, the Examiner realizes claims 35 and 39 were not addressed. In view of such, the *last Office Action* has been vacated and a new Office Action addressing claims 35 and 39 follows:

Response to Arguments

Applicant's arguments (filed 6 May 2003) with respect to claims 1 – 7, 9 – 20, 22 – 50, and 52 – 62 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Art Unit: 3661

Claims 1, 3 – 7, 9, 10, 14, 15, 17, 20, 22 – 25, 28 – 32, 36 – 38, 40, 41, 44 – 50, 52 – 54, and 59 – 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Alumbaugh (US 6,278,938).

Regarding claims 1, 3 – 7, 9, 10, 14, 15, 17, 20, 22 – 25, 28 – 32, 36 – 38, 40, 41, 44 – 50, 52 – 54, and 59 – 62, Alumbaugh et al. teaches a method and a system for identifying the location of medical facilities along a travel route comprising mapping the travel route (abstract at least), comparing the travel route with a database and identifying medical facilities along the route based upon the comparison (figs. 3C and 3D), preparing a name and address of identified facility (col. 1: 10 – 26; col. 3: 51 – 67); the route being manually mapped based upon a software program (by way of item 218 in fig. 1); Alumbaugh's method further comprising establishing non verbal communications link between a vehicle (104) and the database (fig. 1; col. 2: 36 – 41 at least); identifying the location of a person traveling in the vehicle based upon inputted information (abstract at lines 1-2; col. 1: 11 – 15 and 54-55), the information being inputted using a keyboard/keypad (item 218) and a wireless electronic device; the travel route being calculated (see fig. 3H); displaying the information on at least one of an electronic screen (by way of item 220; col. 3: 18 – 50); provides for using a telephone and a website server (overall, note col. 9: 58 – col. 10: 34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3661

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 11 – 13, 16, 18, 19, 26, 27, 33, 34, 42, 43, and 55 – 58 are rejected under 35

U.S.C. 103(a) as being unpatentable over Alumbaugh ('938).

As discussed above, Alumbaugh teaches all of the limitations except for making the travel route to identify medical facilities a flight plan carried on-board of an aircraft.

However, Alumbaugh has been shown to suggest the invention being applicable in a variety of fields including aircraft and boats for carrying out travel route being a flight plan (as noted in col. 2: 29 - 47).

It would have been obvious to one of ordinary skill in the art at the time of the invention Alumbaugh's teaching is at least fully functionally equivalent to the claimed invention because Alumbaugh does suggest all of the necessary features in order to achieve the same end result of identifying the location of medical facilities along a travel route.

Alumbaugh is silent on including a quality rating for at least one of the medical facilities. However, such would have been obvious to one of ordinary skill in the art at the time of the invention as only involving routine skill in the art because such would provide the user of the system with a clear understanding as to expected types of service.

Allowable Subject Matter

Claims 35 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. A statement supporting the allowable subject matter will be provided upon receiving a formal response to this Office Action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Y. BEAULIEU

Yonel Beaulieu
YONEL BEAULIEU
PRIMARY EXAMINER